

### REMARKS

In response to the office action dated August 20, 2008, applicants amended claims 62 and 63. Claims 9, 16, 32, 34, 37, and 39-61 have been canceled. Claims 6, 10, and 21-25 have been withdrawn. Claims 2-4, 15, 17, 19, 20, 30, and 33 are original. Claims 1, 5, 7, 8, 11, 12-14, 18, 26-29, 31, 35, 36, and 38 were previously presented. Thus, claims 1-5, 7-8, 11-15, 17-20, 26-31, 33, 35, 36, 38, 62, and 63 are presented for examination. Favorable reconsideration and further examination are respectfully requested.

#### 35 U.S.C. § 112

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. As shown above, applicants have canceled claim 9, and as such, this rejection is now moot.

#### 35 U.S.C. § 103

Claims 1-5, 7-9, 11-15, 33, 35, 36, 62 and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 01/12889 (Gunzel) in view of U.S. Publication No. 2003/0221301 (Marg). Claim 1 and amended claims 62 and 63, recite, *inter alia*, “a non-continuous coating comprising discrete coating segments of coating material ... applied ... in a predetermined, repeating pattern in one or more discrete areas on [an] exposed outer surface [of a fabric body of knit construction].” In view of the foregoing amendments and the following remarks, withdrawal of the art rejections is respectfully requested.

Gunzel describes a woven or knit fabric treated with a polymer applied to a surface of the fabric.<sup>1</sup> According to Gunzel, the polymer is applied to the fabric surface as a light weight web of polymer filaments.<sup>2</sup> The web on the fabric is caused to melt so that the filaments of the web lose their identity.<sup>3</sup> Gunzel does not describe or suggest “a non-continuous coating comprising discrete coating segments of coating material ... applied ... in a predetermined, repeating pattern”

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<sup>1</sup> See, e.g., Gunzel at page 2, lines 33-34 and FIGS. 1-7.

<sup>2</sup> See, e.g., *id.* at page 2, 34-36.

<sup>3</sup> See, e.g., *id.* at page 3, lines 1-2.

in one or more discrete areas on [an] exposed outer surface [of a fabric body of knit construction]." (Emphasis Added). Rather, according to Gunzel, "[m]elting of the polymeric filaments destroys the non-woven web structure and causes formation of a discontinuous, randomly disposed polymeric material" adhered to the fabric surface. (Emphasis added).<sup>4</sup>

The Office Action (page 3) suggests that "Gunzel teaches the preferred invention has a discontinuous random pattern, however also teaches patterned coatings." However, Gunzel's reference to patterns, e.g., "such as honeycombs, grids, and discrete dots,"<sup>5</sup> appears to be limited to his discussion of the disadvantages of the prior art, which Gunzel distinguishes his invention from.<sup>6</sup> Thus, it would seem that Gunzel does not suggest patterned coatings as an alternative to the preferred invention, as suggested by the Office Action, but instead teaches away from the use of patterned coatings.

The Office Action (page 4) apparently adds Marg for teaching the application of a coating by single head rotary screen printing. Marg describes a method of reducing pilling in a nonwoven fabric that includes "providing [the nonwoven] permanently with at least one coating agent over all or part of at least one of its surfaces."<sup>7</sup> According to Marg, "[f]ull-area coating of the nonwoven with at least one coating agent is preferably performed by ... rotary screen printing."<sup>8</sup> Marg also states that "if the coating agent is not applied over the full area, but instead is applied only partially to a part of one or both nonwoven surface, the coating is preferably performed in the form of grid (patterns), especially preferably in to form of geometric figures, most especially preferably in the form of stripes or spots."<sup>9</sup>

According to the Office action (page 4), "it would have been obvious to one of ordinary skill in the art to employ a noncontinuous coating to a knit fabric in the form of a pattern applied by a method rotary screen printing motivated to improve the properties of the fabric without reducing breathability and hand." However, applicants respectfully submit that, even in view of

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<sup>4</sup> See, e.g., id. at page 6, lines 34-37.

<sup>5</sup> See, e.g., Gunzel at page 2, lines 8-9.

<sup>6</sup> See, e.g., id. at page 2, lines 22-28 ("The present invention overcomes the problems described above ...").

<sup>7</sup> See, e.g., Marg at paragraph 0043.

<sup>8</sup> See, e.g., id. at paragraph 0044.

<sup>9</sup> See, e.g., id.

Marg, it still would not have been obvious to modify Gunzel to include “a non-continuous coating comprising discrete coating segments of coating material ... applied ... in a predetermined, repeating pattern in one or more discrete areas on [an] exposed outer surface [of a fabric body of knit construction].” To the contrary, a person of ordinary skill in the art would have been discouraged from using a predetermined, repeating pattern of discrete coating segments because Gunzel disparages the application of coating in regular patterns on an outer surface of a garment.<sup>10</sup> Thus, modifying the fabric of Gunzel to include “a non-continuous coating comprising discrete coating segments of coating material ... applied ... in a predetermined, repeating pattern in one or more discrete areas on [an] exposed outer surface [of a fabric body of knit construction]” would be contrary to the very teachings of Gunzel.

This is not merely a trivial distinction. By providing the non-continuous coating in a predetermined and repeating pattern, the claimed configuration provides for a knit fabric article with enhanced reproducibility and predictability in terms of air permeability, moisture vapor transmission, tactility and abrasion and pilling resistance.

In view of the forgoing discussion, applicants request reconsideration and withdrawal of the rejection of claims 1-5,7-9, 11-15, 33, 35, 36, 62 and 63 as being unpatentable over Gunzel in view of Marg.

Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gunzel in view of Marg and U.S. Patent No. 6,238,789 (Jackson). Claim 38 depends from claim 1, and thus is patentable for at least the reasons discussed above. Jackson, apparently relied on for teaching a coating add on level in the range of 1.7 ounces per square yard, does not remedy the deficiencies of Gunzel and Marg, as discussed above.

Therefore, applicants respectfully request that the rejections of claim 38 as unpatentable over Gunzel in view of Marg and Jackson be withdrawn.

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<sup>10</sup> See, e.g., Gunzel at page 2, lines 7-18.

Claims 17-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gunzel in view of Marg and U.S. Publication No. 2001/0046580 (Rock). Claims 17-20 depend from claim 1, and thus are patentable for at least the reasons discussed above. Rock, apparently relied on for its teaching of a fabric article with circular reverse plaited knit construction including stitch yarn that is finer than loop yarn, and that the loop yarn is at most about 1.5 dpf and the stitch yarn is at least about 1.5 dpf, does not remedy the deficiencies of Gunzel and Marg, as discussed above.

Therefore, applicants respectfully request that the rejections of claims 17-20 as unpatentable over Gunzel in view of Marg and Rock be withdrawn.

Claims 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunzel in view of Marg and Rock in further view U.S. Patent No. 5,198,288 (Grunfeld). Claims 26-29 depend from claim 1, and thus are patentable for at least the reasons discussed above. Grunfeld, relied on for its alleged teaching of a knit fabric with an elastic combination yarn at the outer surface, does not remedy the deficiencies of Gunzel, Marg and Rock, as discussed above.

Therefore, applicants respectfully request that the rejections of claims 26-29 as unpatentable over Gunzel in view of Marg and Rock in further view of Grunfeld be withdrawn.

Claims 30 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunzel in view of Marg and Rock in further view U.S. Patent No. 5,171,633 (Muramoto). Claims 30 and 31 depend from claim 1, and thus are patentable for at least the reasons discussed above. Muramoto, relied on for its alleged teaching of an elastic filament yarn for use in fabric garments, does not remedy the deficiencies of Gunzel, Marg and Rock, as discussed above.

Therefore, applicants respectfully request that the rejections of claims 30 and 31 as unpatentable over Gunzel in view of Marg and Rock in further view of Muramoto be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or

concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

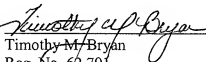
In view of the foregoing amendments and remarks, applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Petition for One-Month Extension of Time fee in the amount of \$130 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06-050, referencing Attorney Docket No. 22436-0067001.

Respectfully submitted,

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